DOCID: 4165177
SECURITY CLASSIF

NSA STAFF PROCESSING FORM

TO	EXREG CONTROL NUMBER	KCC CONTROL NUMBER
DIRECTOR	80599	IG-9889-01

THRU: D/DIR, D SECRETARIAT

ACTION: [ ] APPROVAL [X] SIGNATURE [ ] INFORMATION

EXREG SUSPENSE:

KCC SUSPENSE:

ELEMENT SUSPENSE:

SUBJECT: Quarterly Report to the Intelligence Oversight Board on NSA Activities - Fourth Quarter FY01

DISTRIBUTION

SUMMARY

PURPOSE: To forward to the Intelligence Oversight Board (IOB) of the President's Foreign Intelligence Advisory Board, via the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), NSA's quarterly report on its intelligence activities.

BACKGROUND: Executive Order 12333 and Executive Order 12863 require Intelligence Community agency heads and Intelligence Community General Counsels and Inspectors General, respectively, to report to the IOB on a quarterly basis concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. Enclosed memorandum covers all reportable activities known to the Inspector General and General Counsel. Per PIOB letter of 6 August 1982, Agency heads are responsible for reporting separately any additional reportable activities known to them, unless the President has specifically instructed that the Board is not to be informed. Director's signature signifies that no other activities which require reporting are known to him.

RECOMMENDATION: Director sign the enclosed memorandum.

and attached to additional directives

To: OGC
Bob—
Let's talk before I sign this
Thanks

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

DECLASSIFY UPON REMOVAL OF THE ENCLOSURE(S)

IC

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
DOS	[illegible] 12/20/01 1145	3201			
GC	Robert Deitz 12/24/01	5548s			
AGC(O)	[redacted] 12/9/01	3121s			
Acting IG	Brian R. McAndrew	3544s			

(b)(3)-P.L. 86-36

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
	D11	963-3544	7 December 2001

FORM A6796 FEB 94
NSN: 7540-FM-001-5465

DERIVED FROM: NSA/CSSM 123-2
DATED: 24 February 1998
DECLASSIFY ON: X1

SECURITY CLASSIFICATION: ~~TOP SECRET//COMINT//NOFORN//X1~~

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

4 January 2002

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U) Except as previously reported to you or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 30 September 2001 were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

Brian R. McAndrew
BRIAN R. MCANDREW
Acting Inspector General

ROBERT L. DEITZ
General Counsel

(U) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

Michael V. Hayden
MICHAEL V. HAYDEN
Lieutenant General, USAF
Director, NSA/Chief, CSS

Encl:
a/s

This Memorandum is Unclassified
Upon Removal of Enclosure

DERIVED FROM: NSA/CSSM 123-2
DATED: 24 FEB 98
DECLASSIFY ON: X1

1. (U//~~FOUO~~) Inspector General Activities

a. (U//~~FOUO~~) During this quarter, the Office of Inspector General (OIG) reviewed various reports of inadvertent violations of the Attorney General (AG) procedures, as well as Department of Defense and internal directives, to determine if corrective action was appropriate. (b)(3)-P.L. 86-36

b. (U//~~FOUO~~) An OIG team conducted an inspection of the [redacted]. The team found that [redacted] has an adequate program to ensure compliance with E.O. 12333, but recommended that the organization refresh procedures for reporting possible intelligence oversight violations with all personnel. The recommendation was implemented.

2. (U//~~FOUO~~) General Counsel Activities

a. ~~(C//COMINT)~~ The OGC reviewed various intelligence activities of the United States Signals Intelligence System (USSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and Department of Defense and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of, or concerning, U.S. persons, the reporting of possible violations of federal criminal law contained in SIGINT product, the testing of electronic equipment, and the applicability of the Foreign Intelligence Surveillance Act (FISA). With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on SIGINT operations.

b. ~~(TS//COMINT//NF)~~ The OGC did not file any reports with the Intelligence Oversight Board during the fourth quarter of FY-2001; however, a report describing several inadvertent violations of the FISA minimization procedures was filed [redacted]

(b)(3)-P.L. 86-36

3. (U//~~FOUO~~) SIGINT Activities

a. ~~(S//COMINT)~~ Collection Against U.S. Persons

(1) (U//~~FOUO~~) Intentional

~~(S//COMINT)~~ DIRNSA approval for consensual collection against [redacted] persons was granted during this quarter, while DIRNSA-approved consensual collection against [redacted] U.S. persons was routinely terminated during the quarter.

~~(S//COMINT//NF)~~ The Attorney General granted authority to collect the communications of [redacted] U.S. persons during this quarter.

(b)(1)
(b)(3)-P.L. 86-36

(b) (1)
(b) (3)-P.L. 86-36
(b) (3)-18 USC 798
(b) (3)-50 USC 3024(i)

(b) (1)
(b) (3)-P.L. 86-36

~~(S//COMINT//NF)~~ In accordance with USSID 18, Section 4.1.c.2, the DIRNSA granted authority to collect information on [redacted] U.S. persons who were kidnapped [redacted] a known terrorist organization in [redacted] This authority was to continue pending the release of the [redacted] U.S. citizens.

(2) (U//~~FOUO~~) Unintentional

~~(S//COMINT)~~ There were [redacted] incidents involving the use of improper retrieval strategies against the [redacted] (b) (3)-P.L. 86-36 [redacted] raw traffic files this quarter. Several of the incidents occurred in the immediate aftermath of the 11 September terrorist attacks when rumors were rife that the rules governing SIGINT collection were going to be suspended. The NSA General Counsel subsequently made an Agency-wide appearance on 17 September on NSA's secure television network to inform the workforce that the rumors were not true; he emphasized that the rules had not been suspended or changed.

b. (U//~~FOUO~~) Dissemination of U.S. Identities

(1) (U//~~FOUO~~) Intentional

(b) (1)
(b) (3)-P.L. 86-36

~~(S-COMINT)~~ In accordance with section 7 of USSID 18, [redacted] U.S. identities were disseminated. In the following table, parenthetical keywords denote the justification for the dissemination of the U.S. identity. Statistics show the number of instances when: in the "UNMASKED" column, the U.S. identity is revealed in a serialized end product; in the "USER REQUESTED" column, a U.S. identity is released to a user at the user's request.

JUSTIFICATION (7.2)	UNMASKED	USER REQUESTED	TOTAL
7.2.c (Necessary)			
7.2.c.1 (Foreign Official)			
7.2.c.3 (International Narcotics)			
7.2.c.4 (Criminal Activity)			
7.2.c.7 (U.S. Government Official)			
TOTAL			

(b) (1)
(b) (3)-P.L. 86-36

(2) (U//~~FOUO~~) Unintentional

~~(S//COMINT//NF)~~ During the fourth quarter of 2001, [ ] SIGINT products were canceled because they contained the identities of U.S. persons, organizations, or entities. Of these, [ ] were reissued with the reference to the U.S. person obscured. (b)(1) (b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36 OGA

4. (U//~~FOUO~~) Other Activities

(U//~~FOUO~~) External Agency Relations

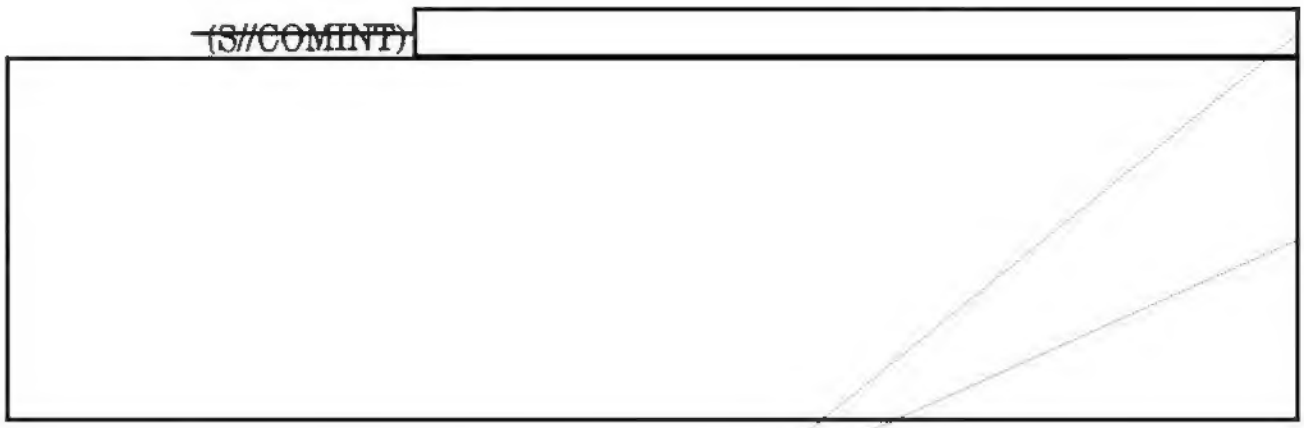
~~(S//COMINT)~~ [ ] during a visit to [ ] personnel from the NSA Oversight and Compliance organization and the Office of the General Counsel observed an [ ] warrant officer working on a SIGINT computer terminal [ ] [ ] [ ] [ ] [ ] and [ ] personnel work in close proximity in the office space where this incident was observed. Since [ ] and the warrant officer in question are SIGINT customers, rather than SIGINT producers, this was recognized as a violation of USSID 18. It is NSA's understanding that this incident will be reported by [ ] NSA has provided assistance and guidance to [ ] regarding corrective measures and will continue to monitor the situation. These measures include ensuring that computer work stations are secured using screen locks whenever analysts leave their stations, and that the [ ] personnel report to a SIGINT commander, not their customer. The [ ] personnel had been reporting to [ ] commander. (b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

(U//~~FOUO~~) Since the 11 September terrorist attacks, NSA has received a number of requests for [ ] support from federal law enforcement agencies and Intelligence Community partners. To facilitate the incoming requests and ensure integrity of the work, the SIGINT Directorate is [ ] [ ] will ensure that proper procedures are followed when the responses are sent back to an external agency. The NSA Office of the General Counsel (OGC) and the FBI Office of General Counsel are fully engaged in this process, and the NSA Office of the Inspector General is conducting a testable policy base review of the operation as it is being conducted.

(b)(3)-P.L. 86-36

(U//~~FOUO~~) L ses

~~(S//COMINT)~~



(b)(1)
(b)(3)-P.L. 86-36